ANOTHER
New-Years-Gift
FOR
Arbitrary Judges:
OR,
Some ſober Reflections on Injuſtice.

BIBLIOTHECA BODLEIANA

THE laſt years *New-years* Gift to the Chief Juſtice *Scroggs*, was as it ſeems, but ill accepted by him, and though it might have been as a Looking-Glaſs, for him, to have ſeen the ill favour'd and ugly Face of a Corrupt *Judg*, and the odiouſneſs of *Injuſtice*, He laid not his Hand on his Heart, nor ſeriouſly conſidered the evil end it would bring him to, but ſtill continuing in his iniquity, Roared, Ranted, and Bluſtered more like an *Hector*, than a *Judg*, and has ever ſince endeavoured all that in him lay, not to execute *Juſtice* and *Judgment*, according to *Law* and *Truth*, but arbitrarily and illegally to abuſe, impriſon, and undoe, all ſuch as he thought any ways oppoſed his Violence, or cry'd out of his Proceedings. He ſurely never remembered what *Moſes* ſay'd to the *Judges* of his People, Deut. 16. 19. *Thou ſhalt not wreſt Judgment, thou ſhalt not reſpect Perſons, neither ſhalt thou take a Gift, for a Gift doth blind the eyes of the Wiſe, and pervert the words of the Righteous.* The Acquittal of Sir *George Wakeman* will never be forgot, and 10000 *l.* will be ſtill in the Mouths of the People. They have many Eyes, and are not eaſily blinded or deluded. The good *Jehoſaphat* King of *Judah* gave in Charge to his Judges, 2 Chron. 19. 6. *Take heed what you do, for you Judg not for Man but for the Lord.* To what end at laſt will Injuſtice, Oppreſſion, and Bribery lead? even to Deſtruction, as you may ſee in *Samuels* Sons, who turned after Lucre, took Bribes, and perverted Judgment, 1 *Sam.* 8. 3. You know what became of them, they were deſtroyed. And *Job* ſays *Chap.* 15. *Verſ.* 34. *Fire ſhall conſume the Tabernacles of Bribery.* They ſhall not long enjoy what is unrighteouſly got. It will not be amiſs again to inſert in this our *New-years* Gift, the Oath of the *Judges*, 20th *Edw.* 3*d.* for they cannot too often behold their Duties, nor be remembred of it. 46.

"Ye ſhall Swear, that well and truly ye ſhall ſerve our Soveraign Lord the King, and his "People, in the Office of a Juſtice, *&c.* That ye do equal Law, and Execution of Right to all "the Kings Subjects, Rich and Poor, without having regard to any perſon; And that ye ſhall "not take by you or by any other, privily, nor in part, any Gift or Reward, in Gold or Silver, "nor any other thing, which may turn to Profit *&c.* of any Man, that hath Plea or Proceſs "before you, nor after, for the ſame Cauſe; And that ye take no Fees, nor Robe of any Per"ſon, great or ſmall, ſo long as ye be Juſtices, but of the King himſelf, *&c.* And that ye ſhall "not delay any Perſon of common Right, for the Letters of the King, or of any other Perſon, "nor for any Cauſe, *&c.* And to proceed and do the Law, notwithſtanding theſe Letters, *&c.*

This is a clear Mirrour for the *Judges* of the Land to look into, and had they remembred the true tenour of this Oath, they would not Act ſo Illegally, and Arbitrarily, as they have done. Our *Laws* are Good, Juſt, and Righteous; but if our *Judges* are defective, and not upright and Conſciencious, what ſignifie good Laws? Let them bear in mind the *Parliament* holden the 11*th* year of *Richard* the 2d, and the Execution they did on *Triſilian* Chief Juſtice, who was hanged at *Tyburn*, and all the reſt of the *Judges* condemned to dye, but by the Queens Interceſſion Baniſh'd the Land, and their Goods Confiſcated. *Thorp* alſo Lord *Chief Juſtice* was Sentenc'd to Death, for taking Bribes, contrary to his Oath. And in the 17*th* of King *Edward* the 3*d*, ſo great was the Corruption of the *Judges*, that they were all Sentenced and Fined by the King. 'Tis for Injuſtice that a Land mourns, and nothing more endears a King to his People, than to Conſtitute upright *Judges*, that *Juſtice may run down as a ſtream.* But of late we

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have seen, as the Prophet *Zephaniah* says, our *Judges like evening Wolves, who gnaw not the Bones till the Morrow*, Zeph. 3. 3. They artificially, and by delays seek to torment those they have a mind to oppress. It was in the time of *Henry* the 3*d*, proposed that the Lord Chief Justice, and other Chief Officers of the Kingdom, might be chosen by the *Parliament*. But 'tis impossible to dive into the Hearts of Men, it is Time and Action that shews them to the World, for the Lord *Chief Justice S*— seem'd one thing in the Trial of *Coleman*, and another thing in the Tryal of *Wakeman*. With what care did he acquit the one? and with what Zeal did he Condemn the other? *Auri sacra fames*. O sacred hunger of Gold. How honestly and like a Protestant he acted, and how suddenly alter'd and convinc'd! and appeared to the People, *Monstrum horrendum ingens cuilumen ademptum*. He lost the light of his Reason and Understanding, submitting to Covetousness, the root of all evil. *Solomon* says, *To do Justice and Judgment is more acceptable to the Lord than Sacrifice*, Prov. 21. 3. It is better to obey God than Man.

Who would ever have thought that under the Reign of so good and gracious a Prince, we should have seen no less than four Judges at once Impeached by the Commons, of Arbitrary, Violent, and illegal Proceedings! To what pass should we have been brought by these evil Ministers, had not his Majesty graciously at last yielded to the importunate desires of his People, in calling this blessed *Parliament*? who come with healing under their Wings. What could you think with your selves, O you unjust *Judges*? could you imagine that so palpably, an Arbitrary, and unprecedented an Act, as the discharging the Grand Jury of *Middlesex*, in the midst of their business, and also with ill words, because you would not receive their *Petition*, which was not agreeable to your Humour, should not be questioned when ever we had the happiness of a Parliament? Did not you believe in your own Consciences, that you should once be called to an Account for your Arbitrary and illegal Rule of Court, against the Writing, Printing, and Publishing a Book, put forth only in Vindication of the *Protestant Religion*? whilst so many Papistical and Jesuitical Phamphlets were every day published, to the scandal of our Religion, without being question'd by you? Did you believe so vainly, as that you were not taken notice of, in your partial Fines, favouring the Popish Party, Delinquents, and crushing severely, or rather grinding to Powder, the Protestant Offenders that came before you? and all this with a squinting eye, in hopes, of the false prospect you had, of the favour of a Popish Successor? from which God defend this Kingdom. Did you also suppose, that all the Illegal Oppressions, of the several Bailable persons, you committed, would not be look'd into? and that you, who should be the dispensers of *Justice*, *Law*, and *Equity*, should act so Arbitrarily, and against all Right and Law, and commit such high Breaches of the *Liberty* of the *Subject*? Who could ever have believed that we should have seen and heard a Judge openly upon the Bench, Condemning the first main Reformers of the *Romish* Religion? and the *Authors* of the Reformation? and with the same breath, to speak against a *Parliament*, placing all Power in the King only? saying that he is the only Representative, endeavouring at once to derogate from our Religion, and the Rights and Priviledges of *Parliament*, and to raise a discord between his Majesty and his Subjects? who would have imagined, they should have heard a Judg openly Inveighing against the *Subjects Petitioning* their King for a *Parliament* to redress their Grievances? Who could have thought to have heard a Judg pronounce Sentence of Death against a Traitor, and yet shortly after, to say publickly, he believed him Innocent? And who would lastly believe, that a wise *Judg* should give under his Hand, Illegal, and Arbitrary Warrants, to bring himself into danger? But alas! we did not think of a Parliament. It was the complaint of the Prophet *Esay* Chap 59. 14. *That Judgment were turned backward, and Justice stood afar off; Truth was fallen in the Streets, and Equity could not enter. God saw it and was displeased, that there was no Judgment.* And not long since, it might be said to be our Case, but God be thanked for his Gracious Mercy, and may his Majesty be humbly thanked for his kindness and commiseration to his People in calling this Parliament to do Justice on Offenders, and to secure the Rights and Priviledges of the People.

And now I shall conclude, desiring Just and upright *Judges*, who sit in the Seat of *Justice*, and who are like *God's* in a Nation, showring down Blessings on the People, like the dew of Heaven, to take this *New-Years*-Gift in good part, and to take warning by the harms, and punishment of others, that they be not perverted, but that they may act according to an upright Conscience, and by the Law of God and the Kingdom, and firmly believe, that nothing is more odious to God and Man, than *Corruption*, *Bribery*, *Injustice*, and *Oppression*, in a *Judge*; whose fall no Man will pitty or lament. Set before your eyes continually the examples of evil and unjust *Judges*, both in sacred and prophane History, and you will see their end to be miserable and detested, full of shame and confusion, from which, may God keep henceforth all our grave, Learned, Reverend, and Pious Justicers. *Amen*.

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